

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-9, 12 and 13 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

At the outset, it is respectfully requested that the present amendment should be entered into the official file in view of the fact that the present response automatically places the application in condition for allowance. Alternatively, if the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present amendment should be entered for the purposes of appeal. The amendment reduces the issues by canceling claims. Accordingly, entry of this amendment is considered to be appropriate.

Examiner's Response to Arguments

The Examiner indicated that the previous arguments would not be convincing since no comparative results have been presented. Applicants are submitting herewith a declaration describing a specific test which measures the water absorption capacity of the superabsorbent polymer with and without the skincare agent. Accordingly, the affidavit now provides the proof of the results as suggested by the Examiner.

The tests described in the Declaration are not carried out under the exact conditions disclosed in the Paul et al. reference. They are intended to show the adverse affect of zinc sulphate on the absorption performance of a superabsorbent polymer. Nevertheless, the test is believed to provide convincing evidence that the skin care agent does affect the absorption capacity of the superabsorbent polymer.

Rejection 35 U.S.C. § 102

Claims 1-7, 9, 12 and 13 stand rejected under 35 U.S.C. § 102 as being anticipated by Paul et al. (6,217,890). This rejection is respectfully traversed.

As previously argued, the claims include a limitation that the agent for skincare effect has substantially no decomposing action on the superabsorbent polymer. Since the Paul et al. reference includes a skincare agent which does involve a decomposing action on the polymer, Applicants submit that the Paul et al. reference does not teach the presently claimed invention. Furthermore, Applicants submit that it would not be obvious to change skincare agents since the reference does not in manner teach the need to avoid this problem. For these reasons, Applicants submit that the claims are not anticipated by Paul et al. and that these claims are allowable.

Claims 10 was also rejected under 35 U.S.C. § 102 as being anticipated by Roe et al. (5,648,083). This rejection is respectfully traversed. Since this claim has been cancelled, this rejection is rendered moot.

Claim Rejection Under 35 U.S.C. § 103

Claims 11 and 14 stand rejected under 35 U.S.C. § 103 as being obvious over Roe et al. Since these claims have also been cancelled, this rejection is also rendered moot.

Claim 8 stands rejected under 35 U.S.C. § 103 as being obvious over Paul in view of Yanaki et al. (5,538,728). This rejection is respectfully traversed.

The Examiner cited the Yanaki et al. reference to disclose the use of polysaccharide as a thickener in a skin-care composition. Applicants submit that this claim is allowable based on its dependency from claim 5. The Yanaki et al. reference does not aid the Paul et al. reference in overcoming its deficiencies as noted above. Accordingly, claim 8 is also allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

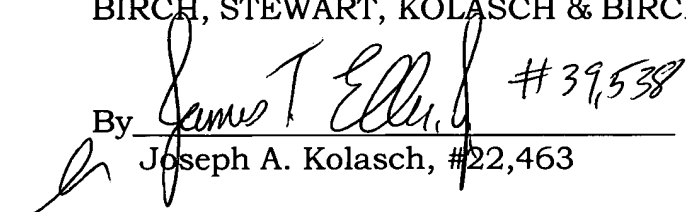
Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a two month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$410.00 attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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By

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 JAK/RFG/abs
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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 10, 11 and 14 have been cancelled.